

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING CONSUMPTION OF AN ALCOHOLIC BEVERAGE OR POSSESSION OF AN OPEN ALCOHOLIC BEVERAGE CONTAINER IN A MOTOR VEHICLE ON A HIGHWAY; PROVIDING EXCEPTIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Unlawful consumption of alcoholic beverage in motor vehicle -- unlawful possession of open alcoholic beverage container in motor vehicle -- exclusions. (1) A person commits the offense of unlawful consumption of an alcoholic beverage in a motor vehicle if the person:

(a) knowingly consumes an alcoholic beverage while the person is driving or in actual physical control of a motor vehicle on a highway; or

(b) is a passenger and knowingly consumes an alcoholic beverage within the passenger area of a motor vehicle on a highway, except as provided in subsection (3).

(2) Except as provided in subsection (4), a person commits the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle if the person knowingly possesses an open alcoholic beverage container within the passenger area of a motor vehicle on a highway.

(3) Subsection (1)(b) does not apply to a passenger:

(a) of a motor vehicle, including a bus, taxi, or limousine, that is used for the transportation of persons for compensation and that includes the provision of a hired driver; or

(b) in the living quarters of a camper, travel trailer, or motor home.

(4) Subsection (2) does not apply to an open alcoholic beverage container:

(a) in a locked glove compartment or storage compartment;

(b) in a motor vehicle trunk or luggage compartment or in a truck bed or cargo compartment;

(c) behind the last upright seat of a motor vehicle that is not equipped with a trunk;

(d) in a closed container in the area of a motor vehicle that is not equipped with a trunk and that is not normally occupied by the driver or a passenger; or

(e) in the immediate possession of a passenger:

(i) of a motor vehicle, including a bus, taxi, or limousine, that is used for the transportation of persons for compensation and that includes the provision of a hired driver; or

(ii) in the living quarters of a camper, travel trailer, or motor home.

(5) A person convicted of the offense of unlawful consumption of an alcoholic beverage in a motor vehicle or of the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle shall be fined an amount not to exceed \$100.

NEW SECTION. Section 2. Definitions. As used in [section 1], the following definitions apply:

(1) "Alcoholic beverage" means a compound produced for human consumption as a drink that contains not less than 0.5% of alcohol by volume.

(2) "Bus" means a motor vehicle with a manufacturer's rated seating capacity of 11 or more passengers, including the driver.

(3) "Camper" has the meaning provided in 61-1-129.

(4) "Highway" has the meaning provided in 61-1-201, including the shoulders of the highway.

(5) "Motor home" has the meaning provided in 61-1-130.

(6) "Motor vehicle" has the meaning provided in 61-1-102.

(7) "Open alcoholic beverage container" means a bottle, can, jar, or other receptacle that contains any amount of an alcoholic beverage and that is open or has a broken seal or the contents of which are partially removed or are immediately capable of being consumed.

(8) "Passenger" means an occupant of a motor vehicle other than the person who is driving or in actual physical control of the motor vehicle on a highway.

(9) "Passenger area" means the area designed to seat the driver and passengers while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while the driver or a passenger is seated in the vehicle, including an unlocked glove compartment.

NEW SECTION. Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 61, chapter 8, and the provisions of Title 61 apply to [sections 1 and 2].

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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